

Dependent claims 11,13,14,17 and 20 have been amended to improve their form, better define the invention and further patentably differentiate over the art.

Independent claim 16 has also been amended to improve its form and better define the invention.

Claim 1-7, 12, 15 and 18 have been allowed.

Turning first to the Examiner's requirement to delete reference to S.N. 225,173 on page 1 of the instant specification, it is submitted that broad support for the claims currently under prosecution, including those claims which have been amended herein, is found in SN 225, 173. As such, applicant may properly refer to the parent application in this application. The Board of Appeals in their decision in SN 968,216 (Appeal 499-28) held that there is, in fact, support in SN 225,173 for the broad claims of the instant application. The Board held that there was no disclosure in SN 225,173 "for certain limitations in claims 11, 14 and 16". By allowing certain of the claims (now presented as allowed claims 1-7,12 ,15 and 18), the Board indicated support therefore in SN 225,173. See the third paragraph on page 5 and the third paragraph of page 6 of the Appeal Decision mailed Aug. 23,1984. Applicant has also amended certain of the claims rejected to bring them within the scope of the broad invention defined by the allowed claims which the Board indicated is disclosed in SN 225.173. Since SN 225,173 is referred to as an application for which the instant application is a continuation-in-part and contains teachings at the end of the specification thereof (see the last four paragraphs thereof) which broadly teach the instant claimed invention, applicant submits that he may properly refer to the instant application as a continuation of SN 968,216 which was a continuation-in-part of said SN 225,173.

Turning now to the rejection, claims 13 and 14 were first rejected under 35 U.S.C. 102(a) on Lee, Jr. filed March 9 , 1962. While applicant believes that he can swear back of the reference on the basis of prior conception of the invention defined in claim 13 and shortcomings of the Lee, Jr. et al disclosure, he has amended claim 13 in such a manner that the method defined thereby is not at all anticipated by the reference.

As amended herein, claim 13 defined a method of recording information on objects by:

"...securing a layer of a recording material ...on a portion of the surface of an objecton which portion an information recording is to be effected....."

Lee, Jr. et al U.S. Patent 3,175,196 teaches laminated structures in record members per se. The reference does not teach the application of such record members to objects or for that matter, a portion of such record member to a portion of the surface of an object. Memory 11 is part of a coding matrix for incoming data.

Claim 13 further patentably differentiates over Lee, Jr. et al in specifying:

"when said radiation source ...and said object... are predetermined with respect to each other ...detecting such condition and generating a control signal ...and applying said control signal to effect the reproduction of information signals from a memory...and applying said information signals to....selectively record information along a select portion of said recording material secured to said object....."

Summarizing the arguments in favor of the allowance of claim 13, it is noted that Lee, Jr. et al does not at all teach or suggest an apparatus capable of performing the methods steps of claim 13 as amended therein. The reference merely teaches continuous data signal recording along an elongated thermoplastic record tape.

Claim 14 depends from claim 13, and, as amended herein, defines the object as a flat sheet-like record member in which the recording material defined in claim 13 is secured to one side of such object and is intersected by the radiation beam during the recording operation. It is also noted that the reference does not disclose or suggest apparatus capable of effecting the method step of detecting"when said radiation source and said object are...predeterminately positioned with respect to each other" as now claimed.

Claims 11 and 19 stand rejected on Fraser U.S. Patent 3,325,819 which was filed March 15, 1965. The Examiner argues that applicant cannot rely on SN 225,173 for the teaching of a laser or for forming cavities.

A careful study of the last four paragraphs of SN 225,173 reveals that it does teach the application of a "scanning, recording electron beam...or a plurality of electron beams ...replacing respective of the recording transducers" (for recording parallel codes).

Applicant has amended claim 11 , which depends from allowed claim 1, to broadly define that the source of radiation of claim 1"is operable to generate a radiation beam..." which is adequately disclosed in the grandfather application SN. 225,173, filed several years before Frazer.

In further support of traversal of the rejection of the claims the Examiner's attention is respectfully directed to the specification for parent application SN 225,210 (mentioned under Related Applications) which teaches the use of a laser for recording purposes. See pages 20 (lines 28-30), page 21, page 26, page 27 and page 28. With respect to Examiner's arguments relating to forming cavities, it is submitted that the variations in the surface topography formed by applicant's electron beam or beams in SN 225,173, which result in parallel pulse codes formed as described and illustrated in the drawings, indicates that such pulse recordings define respective arrays of cavities formed in the thermoplastic record member.

Claim 19 depends from claim 18 which stands allowed. The arguments presented above are repeated traversing the rejection of claim 19, it being further noted that claim 19 defines ..."radiant energy "....clearly supported in both parent applications as disclosed which do, in fact, form cavities in the parent application, when recording the disclosed parallel bit codes as shown the the drawings and disclosed in the specification thereof.

Finally, with respect to the rejection of claims 8-10,16,17 and 20 under 35 U.S.C. 112, it is submitted that the amendments to these claims requested herein are such as to overcome this ground for rejection.

In view of the amendments to the claims and the arguments presented above traversing the rejections, it is submitted that all of the claims currently under prosecution are allowable and their allowance is requested so that the case may pass to issue.

A new Oath is submitted herewith explicitly setting forth all of applicant's parent applications as requested by the Examiner.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Post as First Class Mail in an envelope addressed to Commissioner of Patents and Trademarks Washington, D.C. 20231

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BY Jerome H. Lemelson

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Respectfully submitted

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